

the same rules that it applies to everyone else. Term limits, I believe, are also a procedural change that needs to take place.

Unfunded mandates affect State and local communities. They are hidden taxes that local communities, businesses, and citizens have to pay. These mandates force the States and localities to increase their taxes or shift their priorities of spending and shift their services in order to make those ends meet. National programs should not be financed by local property taxes, but that is exactly what happens when the Congress passes an unfunded mandate. Unfunded mandates infringe upon States' rights. Federal mandates take away State and local community opportunities to set their own priorities and make it difficult for State and local governments to plan for the future.

I served in the Wyoming Legislature, and a good deal of our budget was committed, before we ever arrived in Cheyenne, to unfunded mandates.

This bill will help restore States' rights and the Founding Fathers' concept of federalism and the relationship that should exist between the Federal Government and the States. We will give some recognition to the 10th amendment, that those things that are not expressly given to the Federal Government should rest with the people and with the States and communities. In the words of Thomas Jefferson, "Were we directed by Washington when to sow and when to reap, we should soon want for bread."

A simple rule should apply to Congress: If legislation is good enough to pass, it ought to be good enough to pay for. The cost of unfunded Federal mandates is well documented. Over the past two decades the Federal Government has enacted over 200 new laws containing thousands of regulations and assigned the costs to State and local government. For example, unfunded mandates eat up about 12 percent of locally raised revenue and will cost localities about \$54 billion over the next 5 years.

Unfunded mandates, of course, exist everywhere. There are examples in Wyoming. Wyoming's towns are generally small towns. Greybull, WY, for example, was mandated \$1.3 million by EPA for a water treatment plant. That is nearly \$3,000 per resident who lives there.

Pinedale, WY, draws their water from the cleanest source anyone can imagine and the test results of that water are perfectly acceptable in quality. Nevertheless, they had to build a water treatment plant, not for the results but because of the unfunded mandates.

The city of Cheyenne, \$3 million in the last year alone, in the last fiscal year.

I guess the thing I remember the most was going to the community college in Torrington, WY, where they had made arrangements to make their auditorium accessible to disabled people under the Americans With Disabilities

Act—as they should. However, they had a way to make it accessible at very much less cost than what they finally had to do because of the regulations that were imposed under the mandate. To achieve the same goal they had to pay a great deal more.

The Clinton administration has a poor record on unfunded mandates. President Clinton's health proposal, the Brady law, and last year's crime bill are just some examples of this administration's unfunded mandate agenda. We need this bill enacted quickly to put the brakes on that regulatory machine.

The balanced-budget amendment, of course, will be before us soon. I support the balanced-budget amendment. I think it is morally and fiscally right to not be able to spend more than we take in. That should apply to the Federal Government as well. Local officials, of course, are concerned about a balanced-budget amendment unless they have the protection against unfunded mandates so that the result of a balanced-budget amendment will not simply be the shifting of costs to local governments.

By requiring activities without paying for them, official Washington can go on a spending spree on somebody else's credit card. It is easy and dishonest, but it is a way around the Federal deficit. Congress takes the credit for legislation but sidesteps the costs. The combination of these two proposals, unfunded mandates and a balanced budget amendment, will be the answer.

We need to pass unfunded mandates legislation before we tackle the balanced budget amendment to the Constitution. Last year, unfunded mandates legislation made it out of committee both in the House and in the Senate. I was a member of the Governmental Operations Committee in the House, and in the last days of the session we passed it. Unfortunately, it did not receive consideration on the floor.

In this new Congress, we have a tremendous opportunity to change the way government operates. While this bill is not as strong as some would like it, it is a solid first step in restoring some accountability in Washington.

The bottom line is that Washington must stop passing the buck and start taking the responsibility for the legislation it passes. It is vital that we take advantage of this opportunity to change the way Government functions.

Mr. President, thank you for the time. I yield the remainder of my time.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

UNFUNDED MANDATES

Mr. LOTT. Mr. President, not seeing any Senator seeking recognition at this time, I would like to take a few minutes to comment on the bill we will be taking up again today, the unfunded mandates bill.

I want to emphasize again that there will be votes today. I think that the distinguished majority leader intends that we go forward on this important legislation and that there will be votes on amendments or otherwise. It is not clear at this time exactly how long that will go. But I just wanted to make sure the Members understood, to be fair, that we will have some votes later on this morning, or perhaps in at least early afternoon.

I want to commend our distinguished majority leader and the minority leader for the patience they have already exhibited this year. We, I think, have made good progress. We have already passed S. 2, a major piece of legislation on congressional accountability. We are already now working on the next piece of major legislation, unfunded mandates. Members have been offering amendments freely, and that is the way it should be in the Senate. I am sure there will be a number of amendments on this unfunded mandates legislation. Perhaps there will be some good amendments that will be offered and actively debated, and perhaps even some amendments adopted as we go forward. That is what the legislative process is all about.

I think the majority leader intends to make sure Members have that opportunity to offer amendments and have a good debate, and move this good legislation and improve it, if it is possible.

There have been objections that reports were not available earlier. But the reports are available now. Any Senator can avail himself or herself of those reports. I hope they will read them and that we can go forward with the debate on the substance of this legislation. This is a good bill, well prepared over a long period of time. Yeomen's work has been done by the Senator from Idaho, Senator KEMPTHORNE, and Senator GLENN has worked on this legislation, probably for years, and certainly at least for months. Senator ROTH has done good work.

So there has been a tremendous amount of thought given this legislation. It has been changed and improved, and perhaps in some respects weakened because some points go beyond what I would like there to be in order to get something with which we can move forward.

This is a major step forward. This is setting up a process. This is not ending things that have been happening. This is giving us an opportunity to find out what is in a bill, to find out what it is going to cost and who is going to pay for it. What does it really do? That fact is I think most Americans would be incredulous to realize that we do not do that anyway.

So there is no need to delay this. Yes, we should have amendments. We should think about it. But we all know this legislation is going to pass overwhelmingly. I am sure probably almost every Republican and a majority of the

Democrats will vote for this legislation. So I hope we will keep that in mind. Let us not delay just for the sake of delay. Let us look at the substance, let us work on it in a responsible way, and then let us move forward because we know it needs to be done and because we know in the end it is going to pass.

Let me just make a couple of points. This legislation will increase accountability. It places added responsibilities where it needs to be, on those who want to either create a new mandate or increase costs of an existing one. In order to do that, they are going to have to get an estimate of the cost of the new requirement to both State and local governments and the private sector. I want to emphasize this also includes a way, hopefully, to help control the unfunded mandates on the private sector.

There has been some suggestion that maybe small business might not be benefit by this or might not be all for it. The National Federation of Independent Businesses put out a letter on January 3 on behalf of 600,000 members of the NFIB, which really represents the small businessmen and women in my State, and said they support this legislation unreservedly, and it is going to be one of their top-rated votes. So the private-sector small businesses want this. I think they want it not only as businessmen and women, but just as individuals and Americans. They know this needs to be done.

So there will be the cost estimates, and then there will be an opportunity to waive the requirements by a simple majority. We can debate that point, and I feel we probably will, on whether or not these requirements can go into effect or not.

I believe this will lead to more informed decisions. Some allegation has been made—intended, I think, as criticism—that this might once again slow down moving some legislation. I have never seen the Senate worry about slowing things down. We are the saucer under the hot cup to cool it down. A little more information, a little more deliberation before we put another mandate on the American people, public or private, seems to me something we should be doing.

The American people want it, and every State in every region, regardless of philosophy, even. A lot of the biggest supporters of this legislation are Democrats, liberal Democrats. Elected mayors and county commissioners have to wrestle with this. They have to find a way to pay for it. So, therefore, this is something that is long overdue. I hope the Senate, in its great deliberative fashion, will make sure that all of the details are analyzed, but in good time will move it forward. I believe it will provide relief for State and local taxpayers.

More and more and more, the Federal Government has dumped requirements on States that Governors, like the distinguished Senator in the chair, the former Governor of Missouri, has had

to deal with. He knows the extra costs that were put on the taxpayers of Missouri, not by the Missouri Legislature, but by the Federal Government, telling that State: You have to do this and, by the way, good luck finding the way to pay for it as best you can—not a few thousand dollars, but millions of dollars on every State, big and small, rich and poor.

My poor State of Mississippi struggles to deal with these federally unfunded mandates. The Governor of our State, Gov. Kirk Fordice, has pleaded for relief and for flexibility to allow innovation to occur at the State level. They can do it better. They can save money, and they can give relief to the taxpayers. Also, that is true at the local level. I have had to wrestle in the past as a Congressman and Senator with these Federal mandates that have been dumped on poor, small cities, requirements that say: You must do this; you must clean up that; you must provide this service. And in communities sometimes where you have 70 to 80 percent minorities, they just cannot pay for it. So they have said: We want to do it for safety purposes or environmental purposes, but we do not have the money. Help us.

So I think, at the Federal level, a cost analysis will allow us to see what the cost is going to be and require us, if it is in the national interest, if it is in the interest of safety or environmental considerations nationwide, to step up to the lick log and pay for it. Give them safe drinking water, but help them pay for it. Or, if we are not going to pay for it, do not dump it on them. We make criminals out of the elected officials, literally criminals. Good men and women are saying: I cannot do this. We worry about how we attract good people in office. It is things like unfunded mandates that drive them out. You get a local insurance agent or local homebuilder. Do you think he or she will want to continue to deal with these Federal mandates and the tax increases that are required by them?

If we really want to give taxpayers some tax relief in a painless way, this is the way to do it, by giving them the opportunity to make more decisions on their own without Federal mandates and without increased local and State taxes.

So, Mr. President, I am very pleased that S. 1, the first bill of the year that was introduced, is the Unfunded Mandate Reform Act of 1995.

I commend all that have been involved with it. I think we are going to have good legislation. The risks are small, and the benefits could be great. I hope that early next week, we will move to conclusion.

Mr. President, seeing the distinguished Senator from California on the floor, I yield at this time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I have time reserved at approximately 9:30. So

if the majority whip would like to continue, I am perfectly pleased.

Mr. LOTT. In the spirit of what I just said, I do not want to overtalk an issue, I think this legislation speaks so loudly for itself, so I think I will stop at this point.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I want to make sure about the time situation. My understanding is that I control the time until 9:45, is that correct?

The PRESIDING OFFICER. The Senator has 15 minutes.

THE CALIFORNIA FLOOD

Mrs. BOXER. Mr. President, I have not spoken yet on the floor regarding the disaster that has hit my State of California. Senator FEINSTEIN was on this floor and brought the Senate up-to-date a couple of days ago. I would like to do the same, and then I would like to speak about another very urgent issue regarding safety at reproductive health care clinics. I see that Senator FEINGOLD has joined me, and he will be participating in that particular discussion.

Mr. President, 34 counties have been declared State disaster areas and 24 counties have been declared Federal disaster areas, and we expect others to be added shortly. I do not think I have to tell my colleagues that the people in California have, once again, been struck by Mother Nature in a very difficult way.

We live in a very magnificent State. We treasure it and we prize its beauty—its rivers, ocean, mountains, streams, creeks, forests, and deserts. And because we are such a magnificent State, we just have to put up with our share of natural disasters. I want to say, once again, to my colleagues how appreciative Californians are for the swift relief we got from the Clinton administration, backed in a very bipartisan way by this Congress, and we are rebuilding. Now we have people thrown out of their homes because of ravaging floods. The power of that water—someone described it as a 500-year occasion in some parts of the State—is just overwhelming.

What we know is that we have a little break in the weather right now. I am very anxious to get on a plane and go back and see for myself exactly what damage will last after this flood and what we need to do. But today I merely want to bring you up-to-date. Santa Barbara has reported \$20 million in damage, and Sacramento reports at least \$50 million in damage. The FEMA